

Interim Procedures and Scheduling of Hearings Before the Hon. Alan S. Trust
(8/28/08)

Judge Trust will publish specific calendar dates for hearing certain types of matters from time to time. The following matters may be self-calendared for hearing at the following times:

(PLEASE NOTE: Motions must be filed at least two weeks prior to the hearing date.)

Chapter 7 and Chapter 13 Motions (except motions for relief from the automatic stay or motions to extend or impose the stay):

Tuesday, September 23 at 9:30 a.m.

Tuesday, October 7 at 9:30 a.m.

The Judge will hear agreed and unopposed Motions at the beginning of the calendar.

Motions for relief from the automatic stay and Motions to extend or impose the automatic stay (Chapter 7 and 13 only):

Motion to extend or impose the automatic stay:

Thursday, September 11 at 9:30 a.m.

Thursday, September 25 at 9:30 a.m.

Thursday, October 2, at 9:30 a.m.

Thursday, October 16 at 9:30 a.m.

Motion for relief from the automatic stay as to vehicles only:

Thursday, September 11 at 10:00 a.m.

Thursday, September 25 at 10:00 a.m.

Thursday, October 2 at 10:00 a.m.

Thursday, October 16 at 10:00 a.m.

All other Motions for relief from the automatic stay:

Thursday, September 11 at 10:30 a.m.

Thursday, September 25 at 10:30 a.m.

Thursday, October 2 at 10:30 a.m.

Thursday, October 16 at 10:30 a.m.

Motions to extend or impose the automatic stay under Bankruptcy Code § 362(c) shall be accompanied by an affidavit or affirmation supporting the motion.

Motions for relief from the automatic stay under Bankruptcy Code § 362(d) may not be filed by notice of presentment under E.D.N.Y. LBR 2002-1, and must be scheduled for a hearing.

Motions for relief from the automatic stay must be accompanied by an affidavit or affirmation which sets forth the basis for the relief sought.

The Judge will hear agreed and unopposed Motions at the beginning of the calendar.

Chapter 11 Motions (including relief from the automatic stay):

Wednesday, September 24 at 9:30 a.m.

Wednesday, October 1 at 9:30 a.m.

Wednesday, October 15 at 9:30 a.m.

Motions to extend or impose the automatic stay under Bankruptcy Code § 362(c) shall be accompanied by an affidavit or affirmation supporting the motion.

Motions for relief from the automatic stay under Bankruptcy Code § 362(d) may not be filed by notice of presentment under E.D.N.Y. LBR 2002-1, and must be scheduled for a hearing.

Motions for relief from the automatic stay must be accompanied by an affidavit or affirmation which sets forth the basis for the relief sought.

The Judge will hear agreed and unopposed Motions at the beginning of the morning's calendar.

Final Meetings and Fee Applications in Chapter 7 Asset Cases:

Wednesday, September 24 at 1:30 p.m.

Wednesday, October 1 at 1:30 p.m.

Wednesday, October 15 at 1:30 p.m.

Motions in Adversary Proceedings:

Please contact Chambers as set forth below to schedule a hearing in an adversary proceeding. Please note, however, that generally motions in adversary proceedings, including those under F.R.B.P. Rules 7012, 7015, 7037 and 7056, will be heard by submission only. A response to any such motion shall be due thirteen (13) days after filing and service, and the motion shall be considered ripe for ruling thereafter, unless the Court sets a different response date, or has previously issued a scheduling order which establishes a different date for response(s). In the event the Court determines that oral argument is warranted, the Court will notify the parties of the hearing date and time.

To Schedule a Hearing in a Matter Not Addressed Above, Please Contact Chambers as Follows:

All contact with Chambers shall be made by email directed to the Judge's Courtroom Deputy, Yvette Mills, at AST_HEARINGS@NYEB.USCOURTS.GOV.

In the "Subject" line of the email, please only use one of the following four designations:

- Scheduling Hearing
- Adjournment
- Telephonic Appearance
- Emergency motions and orders to show cause

If you do not have access to email, you may contact the Judge's Courtroom Deputy, Yvette Mills, at (631) 712-6277, to schedule or adjourn a hearing. Please do not contact the Judge's law clerk or judicial assistant.

Submission of Orders: Proposed orders should be electronically submitted to Chambers. Please see the following web page for further information on procedures for filing electronic orders:

http://www.nyeb.uscourts.gov/ecf_gen_admin_order.html

Consensual Adjournments: Requests for agreed adjournments are to be emailed, following the above procedures, at least two (2) business days prior to the scheduled hearing date. **Requests must state the reason why the adjournment is being sought. If an adjournment is not granted, the parties are required to appear.** Any requests for an agreed adjournment must be copied to all parties who have filed papers related to the subject hearing.

Appearances by phone: Requests to appear by telephone are to be emailed, following the above procedures, at least two (2) business days prior to the scheduled hearing date. **Requests must state the reason why the telephonic appearance is being sought. If a telephonic appearance is not granted, the parties are required to appear in person.** Any request for a telephonic appearance must be copied to all parties who have filed papers related to the subject hearing.

Emergency motions and orders to show cause: Contact the Judge's Courtroom Deputy, Yvette Mills as set forth above, before filing.